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**In the United States District Court
for the Northern District of Illinois**

Terry James Maier Petitioner

v.

United States Respondent

Case Number: 1:08-CV-01837
Honorable Judge Amy J. St. Eve

FILED

AUG 26 2008 T.C

8-26-2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

**PLAINTIFF RESPONSE TO
DEFENDANT SUMMARY JUDGEMENT**

Introduction

Plaintiff Terry James Maier does seek to quash summonses that the Internal Revenue Service issued to four different businesses to obtain financial records. Terry James Maier did try to properly serve the United States, as he will try to explain.

Statement of Facts

Exhibit 1, Westlaw, Uniform Commercial Code Reports is not accurate in the information that it has written about Terry Maier or Maier Precast. It states that both Terry James Maier and Maier Precast are debtors to the Community Bank of Plano. The Community Bank of Plano was sold March 13, 1998 to First National Bank of Joliet, then it was sold again to Harris Bank on July 13, 2001. It can not have Terry James Maier or Maier Precast as a debtor if it is no longer in business. The Secured Party information is not accurate, since the Community Bank of Plano was sold to different parties during most of the years that they have information on Maier Precast and Terry Maier, making the report invalid.

Argument

I. The facts that were presented to the court from the United States Attorney by the Assistant United States Attorney are not accurate. The Exhibit 1 lists Community Bank of Plano as the Secured Party, but they can not be a Secured Party if they are no longer in business, which should put a question on the accuracy of the reports in the Exhibit 1.

II. Terry James Maier does contend that the Summonses are prima facie defective because they are for a Terrance Maier, who Plaintiff is not. They also request information about a Maier Precast, Inc. business which Terry James Maier knows that there is no such business name as that. Plaintiff was under the impression that names of people and businesses were important, and should be treated as such, not letting it be unimportant, because the last name is accurate. He truly feels this is not a proper reference to him, and the Summons refer to someone else, as well as a different business, since the name on the Summons is not a business name that he is familiar with.

IV. The Defendant's Attorney Samuel D. Brooks did briefly tell the Plaintiff that he needed to obtain a Summons from the Clerk's office, to properly serve the United States on May 12, 2008. Terry James Maier immediately went to the Clerk's office, after appearing in court, and obtained the attached Summons. He took the Summons home, filled them in, and drove back into Chicago on May 14th, 2008, to obtain the signature of the Deputy Clerk with a date, making the Summons valid to serve.


The Deputy Clerk refused to sign the Summons Terry James Maier presented to him for his signature. The Deputy Clerk stated that he would not sign anything that was a lawsuit against the United States. Terry James Maier did not refuse to file the proper

paperwork, but without the Deputy Clerk's signature, the Summons would be null and void.

Terry James Maier then talked to the Public Attorney on May 14th, 2008, after the Deputy Clerk refused to sign the Summons that would have made them valid to file. The Public Attorney told Terry James Maier to re-file the Petition to Quash, this time with the Case Number and the assigned Judge's name on the paperwork. Terry James Maier re-filed the Petition to Quash paperwork on May 21st, 2008, per the Public Attorney's advice.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.


Terry James Maier


August 18, 2008

Terry James Maier
14780 Galena Road
Plano, Illinois 60545
630-552-8297

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Terry James Maier

Plaintiff

VS.

Case Number: 1:08-CV-01837
Honorable Judge Amy J. St. Eve

United States

Defendant

PROOF OF SERVICE

TO: U.S. Attorney
Everett McKinley Dirksen Bldg.
219 S. Dearborn St. 5th Floor
Chicago, Illinois 60604

TO: U.S. District Court-Clerk
Everett McKinley Dirksen Bldg.
219 S. Dearborn St. 20th Floor
Chicago, Illinois 60604

TO: IRS- Attn: Agent M. Chiannelli
Stop 4824 WSB
2001 Butterfield Road - 12th floor
Downers Grove, Illinois 60515

TO: U.S. Attorney General -
Michael B. Mukasey
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

I, the undersigned plaintiff, certify that on the 18th day of August, 2008, I served a copy of this Plaintiff Response to Defendant Summary Judgement with attachments, Appearance form for Pro Se Litigants and Affidavit to each person whom it is directed by way of Certified Mail, Priority Mail or Express Mail.

Name: Terry James Maier

Address: 14780 Galena Road

City/Zip: Plano, Illinois 60545

Telephone: 630-552-8297


Terry James Maier

August 18, 2008
Date

AFFIDAVIT

State of Illinois

County of Kendall

Before the undersigned, an officer duly commissioned by the laws of Illinois, on this 28th day of January, 2008, personally appeared Terry Maier who, having been first duly sworn, deposes and says:

I am Terry Maier of Plano, Kendall County, Illinois.

I am of competent age and mind.

I am a private-sector, non-federally-connected individual.

I have not refused or neglected to render any federal-tax-related list or return within the time required upon being notified or required to do so.

I am not, and never have been, required to deliver a monthly or other return of objects subject to tax.

I am not, and never have been, engaged in the administration or enforcement of any internal revenue laws.

I do not waive any of my rights at any time.

Affiant: *Terry Maier*
Terry Maier

Witness: *Deborah I. Fisher*

Sworn and subscribed before me this 28 day of Jan. A.D. 2008



Deborah I. Fisher
Notary Public